

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICKY J. SANDERS,

Petitioner,

vs.

RICHARD CRUICKSHANK, Warden
Nebraska Penitentiary; and SCOTT R.
FRAKES, Director Nebraska
Department of Correctional Services;

Respondents.

4:17CV3020

**MEMORANDUM
AND ORDER**

On the court's own motion, Claim One in the court's April 4, 2017 ([Filing No. 4](#)), is amended to include Neb. Const. art. III, § 18 (prohibition on special legislation)¹ in order to accurately reflect Petitioner's Ground One as stated in his habeas petition (*See* [Filing No. 1 at CM/ECF p. 8](#)). Accordingly,

IT IS THEREFORE ORDERED that: Claim One is amended to read:

Petitioner was denied effective assistance of counsel *because* (1) trial and appellate counsel (same counsel) failed to motion to quash the Information on the grounds that [Neb. Rev. Stat. § 28-1212.04](#) is facially unconstitutional under Neb. Const. art. III, § 18 and under equal protection, and (2) trial and appellate counsel (same counsel) failed to file a motion to suppress the illegal search and seizure of Petitioner and his passenger, as well as the illegal search of Petitioner's vehicle.

¹ The court infers that it was a typo when Petitioner cited art. I rather than art. III.

Dated this 7th day of July, 2017.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge